

### **Remarks**

Claims 1-48 were pending in this application. Claims 2, 6, 7, 10-12, 14, 15, 22, 23, 25-27, 31, 32, 35, 36, 38, 39, 41 and 42 have been canceled without prejudice. In an Office Action dated November 13, 2003, the Examiner rejected claims 2, 6, 7, 10-12, 14, 15, 22, 23, 26, 27, 31, 32, 35, 36, 38, 39, 41 and 42 under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in a manner sufficient to enable one of ordinary skill in the art to make or use the invention. Claims 1, 2, 4-6, 8, 9, 15, 23, 24, 28-35, 37 and 42 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,956,025 to Goulden *et al.* (Goulden) or, alternatively, under 35 U.S.C. § 102(e) as anticipated by U.S. Patent No. 6,097,441 to Allport (Allport). Claims 3, 7, 10-14, 17, 21, 26, 27, 36, 38-41, 44 and 48 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Goulden or Allport in view of U.S. Patent No. 5,502,803 to Yoshida. Claims 20 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over either Goulden or Allport in view of U.S. Patent No. 5,545,857 to Lee *et al.* (Lee). Claims 16, 18, 19, 43, 45 and 46 were rejected under 35 U.S.C. § 103(a) as unpatentable over either Goulden or Allport in view of U.S. Patent No. 5,880,411 to Gillespie *et al.* (Gillespie). Claim 22 was rejected under 35 U.S.C. § 103(a) as unpatentable over either Goulden or Allport in view of U.S. Patent No. 5,943,044 to Martinelli (Martinelli). Claim 25 was rejected under 35 U.S.C. § 103(a) as unpatentable over either Goulden or Allport in view of U.S. Patent No. 6,072,470 to Ishigaki (Ishigaki). The Examiner objected to claim 10 and to the drawings. Applicants respectfully request reconsideration in light of the following remarks.

Claim 1, as amended, provides a game and home entertainment device remote control system including a remote control, a display screen and a controller. The remote control includes a touch pad generating a touch pad signal in response to a gesture on the touch pad. The display screen is part of a television system located remotely from the remote control. The controller receives the touch pad signal and determines whether the touch pad signal is for controlling a game or for controlling a home entertainment device. If the touch pad signal is for controlling a game, a game activity which is part of playing the game is performed in response to the touch pad signal and a result of the game activity is displayed on

the display screen. If the touch pad signal is for controlling a home entertainment device, a home entertainment device control function is enabled.

Goulden discloses a home entertainment system remote control having a built in graphical user interface display. The only mention in Goulden of playing a game appears at column 6, lines 5-8, reproduced as follows:

To get back to a previous level, the user has to touch a return soft key 806 that appears at each level, possibly also at top level 202 to enable returning to a home level, e.g., to play a video game on the display of the remote.

There is no teaching or suggestion in Goulden for Applicants' controller for a touch pad signal controlling the playing of a game, the results of which are displayed on a remote television screen.

Allport discloses a remote control having "a motion picture display." (See, the Abstract.) "The display area 15 is surrounded by various physical actuating buttons 20, 25, 30, 35, 40, 45, 50, 55, and 60." Allport discloses that these buttons, and not a touch pad, are used for playing games at column 7, lines 11-35, as follows:

During virtual world communications, such as in virtual world games (single or multiple user), the benefit of the present invention is that the interface to the virtual world may be presented in various formats on the two separate displays. The player is thus provided with more strategic information. Various perspectives could be a first person view, wherein the virtual camera takes the viewpoint of a character in the world that is being played by the user; a second person view, wherein the virtual camera takes the viewpoint of a character in the world that is being played by a different user; or a third person view, wherein the virtual camera takes the viewpoint of no particular character, but instead has a global view of the world, usually focussing on the character being played by the user. The two simultaneous views may be from different perspectives, or they may be from the same perspective, with one view displaying a close-up while the other displays a "bird's eye" view, or any other combination. *Here too, the function of one of the buttons on the remote control 10* may be to swap the images shown on the displays. Or one function may be to enlarge or reduce a particular display, or to cycle through the available displays so that a player may perceive the world as one of his or her "enemies" or "allies" is perceiving the world. *Other functions*

*may be for other game controls*, which may also be performed via an IR keyboard or other input means.

Thus, Allport neither teaches nor fairly suggests Applicants' controller for a touch pad signal controlling the playing of a game, the results of which are displayed on a remote television screen.

Claim 1 is not anticipated by either Goulden or Allport. Claims 3-5, 8, 9, 13, 16-21, 24 and 25 depend from claim 1 and are therefore also patentable over Goulden and Allport.

Independent claim 28 provides a remote control for controlling a home entertainment device and for playing on-screen games in conjunction with a display screen. The remote control includes a touch pad and a controller. The touch pad generates touch pad signals in response to user contact with the touch pad. The controller recognizes gestures made on the touch pad for playing at least one game. The controller displays results of recognizing each gesture on the display screen. The controller further recognizes gestures made on the touch pad for controlling the home entertainment device.

Claim 28 provides a controller which recognizes gestures. Applicants define the use of gestures on page 6, line 28, through page 7, line 3, reproduced as follows;

A gesture is a touch that corresponds to an understood or recognizable pattern. In response to such a gesture, the touch pad generates a gesture signal indicative of the gesture performed. Each gesture performed on touch pad 12 corresponds to an HE [home entertainment] device or game control function. Controller 14 receives the gesture signal from the touch pad and performs the indicated control function.

In rejecting claim 28 as anticipated by either Goulden or Allport, the Examiner made no attempt to find a teaching or suggestion in either reference of a controller recognizing gestures received by a touch pad for playing games and for controlling a home entertainment device. Neither reference appears to teach or fairly suggest the use of touch pad gestures for any purpose whatsoever.

Independent claim 29 provides a method of remotely controlling a home entertainment device. At least one gesture is received on a touch pad remote from the home entertainment device. A determination is made as to whether the received gesture was made

for controlling the home entertainment device or for playing a game. If the gesture was made for controlling the home entertainment device, at least one control signal for the home entertainment device is generated based on the received gesture. If the gesture was made for playing a game, a game activity is performed based on the received gesture. The results of the performed game activity are displayed on a display screen.

The Examiner rejected claim 29 as anticipated by either Goulden or Allport. Neither Goulden nor Allport disclose controlling either a home entertainment device or playing a game based on a touch pad gesture. Neither reference appears to teach or fairly suggest the use of touch pad gestures for any purpose whatsoever.

Claim 29 is not anticipated by either Goulden or Allport. Claims 30, 33, 34, 37, 40 and 43-48 depend from claim 29 and are therefore also patentable.

The Examiner objected to claim 10. Claim 10 has been canceled without prejudice.

The Examiner objected to the drawings as not showing every feature of the invention specified in the claims. In particular, the Examiner referenced claims 5, 6, 11, 14, 15, 22, 25, 34, 35, 41 and 42. Claims 6, 11, 14, 15, 22, 25, 35, 41 and 42 have been canceled without prejudice. With regard to claims 5 and 34, at least Figures 9 and 10 illustrate gestures interpreted differently in one touch pad region than in another.

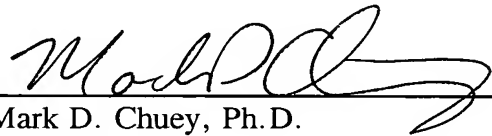
Claims 1, 3-5, 8, 9, 13, 16-21, 24, 28-30, 34, 37, 40 and 43-48 are pending in this application. Applicants believe these claims meet all substantive requirements for patentability and respectfully request that this case be passed to issuance.

A check in the amount of \$420 is enclosed to cover the Petition fee. Please charge any additional fees or credit any overpayments as a result of the filing of this paper to Deposit Account No. 02-3978. A duplicate of this paper is enclosed for that purpose.

The Examiner is invited to contact the undersigned to discuss any aspect of this case.

Respectfully submitted,

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